

REMARKS

1. This amendment is responsive to the non-final Office Action mailed January 16, 2007. Claims 1-13 are pending in the application and stand rejected. New Claims 14-16 have been added to the application. Support for the new claims is found at least in Figs. 1 and 2, and in the application as filed, in paragraphs [0004], [0039], and [0045].

2. Claims 1-8, 10, 12 and 13 stand rejected as obvious over WO 98/0093037 to Aneas ("Aneas") in view of U.S. Patent No. 5,735,841 to Michael Bourguignon et al. ("Bourguignon") or U.S. Patent Application Publication No. 2003/0093037 to Parker ("Parker"). Claim 11 stands rejected over Aneas in view of Bourguignon and further in view of WO 99/53886 to Jean-Claude Thibault et al. ("Thibault"). Claim 9 stands rejected as obvious over Aneas in view of Bourguignon and further in view of U.S. Pat. No. 6,706,031 to David Manera ("Manera"). The Office Action states that the references are combinable because it would have been obvious to modify the device of Aneas to include a needle and corresponding sleeve with a non-circular cross-section, as taught by Bourguignon, to prevent rotation of the needle. For the reasons set forth below, Applicant traverses the rejections and respectfully requests the rejections be reconsidered and withdrawn.

3. Applicant is unable to find a reference "WO 98/0093037," cited against all claims in the application, by any inventor. The closest reference Applicant can find is U.S. Pat. No. 6,070,623 to Antoine Aneas, which claims priority to WO 98/13006. This appears to be the proper reference. Applicant telephoned the Examiner on April 2, 2007, and left a message, but the call was not returned. Of the several patent documents by inventor Antoine Aneas, the U.S. patent document appears to be the most suitable, and is the only Aneas patent document of record on the PTO Form 892 accompanying the present Office Action.

4. At a minimum, Aneas and the other references do not teach or suggest all the limitations of the claims. The Office Action states that the final limitation of Claim 1 is taught by the plunger 15, stop means 16, the stopper 3b and complementary means 18, as seen in Fig. 1.

Claim 1 of the present application, however, requires the stop means to be on “an edge of the sleeve [16] opposite said stopper.” As can be seen in Fig. 2 of the present application, this requires the stop means 16a, 16b to be away from the stopper (“an edge of said sleeve opposite said stopper” [5]). Aneas shows stop means 16 on the same side as stopper 3, not opposite. As can be further seen in Fig. 7 of the present application, having the stops on the opposite side allows stop means 16a, 16b to cooperate with flange 22 (the complementary means) to lock the plunger in a position of transfer, for this particular embodiment. Accordingly, Aneas does not teach or suggest at least this limitation of Claim 1. Claim 1 is allowable, and by the same reasoning, Claim 12 is also allowable, as are all Claims depending from Claims 1 and 12, Claims 2-11, 14 and 15.

In addition, numerous of the dependent claims are also allowable for additional reasons. For example, Claim 8 is also rejected under Aneas, citing a second sleeve 22 radially disposed outside an interior sleeve. Aneas shows a cap 21 with a break portion 30 and a lower portion 22, which is thus part of the cap, not a second sleeve. Nevertheless, Claim 8 has been amended to make it clear that the outer sleeve is formed as part of the base and is connected to the inner sleeve. Support for the amendment is found at least in Figs. 3 and 8, and in the specification at paragraph [0026] – [0028].

5. Applicant also traverses the combination of references used in preparing the Office Action. There is no motivation to combine Aneas as Applicant has defined Aneas, U.S. Pat. No. 6,070,623, and U.S. Pat. No. 5,735,841 to Bourguignon. The Office Action admits that Aneas does not teach a needle having a non-circular cross-section. Office Action, p. 3, lines 9-10. The stated motivation for combining Aneas with Bourguignon is that using the non-circular cross section of Bourguignon will prevent rotation of the needle. Aneas, however, already prevents rotation of the needle by providing a series of eight ribs on the sleeve 12 and matching grooves in the plunger 15. See col. 4, lines 41-47 and Fig. 1. Thus, there is no motivation to combine Aneas with any other reference in order to prevent rotation of the needle. Accordingly, Claim 13 is allowable, as is dependent Claim 16.

6. Applicant respectfully submits that the application is in condition for allowance and requests that a Notice of Allowance be issued in this case.

Respectfully submitted,

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